Representation and Petition

OF THE

COUNCIL-GENERAL

OF THE

Indian and African

COMPANY

TO THE

PARLIAMENT

Edinburgh, Printed in the Year 1700.

To His Grace His Majesty's High Commissioner, and the Right Honourable the Estates of Parliament.

The humble Representation and Petition of the Council-General of the Company of Scotland, *Trading to* Africa *and the* Indies.

May it please your Grace,
and Right Honourable Estates,

IT is evident by the whole Strain of Three several Acts of Parliament, together with His Majesty's Letters Patent under the Great Seal of this Kingdom, in favours of the said Company, That the Wisdom of the King and Right Honourable Estates did intend that all such Advantages as might arise by the establishing of such a Company, should be of as universally a National Concern as possible; And in order thereunto, were pleased to endow it with large Priviledges and Immunities, suteable to the Circumstances of an Infant-Company, and the Greatness of its Designs: And lest that it should fail

in the Execution, for want of a ſufficient Stock to carry on ſuch an Undertaking, all imaginable Parliamentary Encouragement was given to Perſons of all Ranks, Ages and Sexes, both within and without the Kingdom, whether Natives or Foreigners, to become Partners and Adventurers in the Joint-Stock of the ſaid Company, as is ſingularly manifeſt by the 42d. Act of the 5th Seſſion of this current Parliament, ſpecially calculated for that end only.

Upon the publick Faith of having due Protection in the enjoyment of theſe unqueſtionable Priviledges and Immunities, as having received their Sanction from His Majeſty, and the unanimous Suffrage of the Great Council of the Nation as aforeſaid, many Perſons of all Ranks and Degrees were thereby induced to become Adventurers in the Joint-Stock of our ſaid Company, in ſo much that in a very ſhort time, a much more conſiderable Stock was ſubſcrib'd for within this Kingdom, than was ever before ſo much as propos'd here upon any Project whatſoever, ſince we were a Nation.

Being thus entred into a Society, We and our Conſtituents have purſuant to the intentions of the Acts of Parliament and Letters Patent abovemention'd, with much care and trouble, and a great Expenſe of Treaſure, after having ſtruggled with many unexpected Obſtructions and Difficulties, ſetled a Plantation, by the Name of *Caledonia*, in one of the moſt Healthful, Fruitful, naturally impregnable, and every way valuable Places in all *America*, as is univerſally acknowledged by all Perſons of Experience in ſuch Matters, as well as by the General Conſent of ſuch as have been there;

there: And as a manifeſt proof thereof tho' our ſaid Plantation be ſetled moſt ſtrictly in the terms of the Acts of Parliament and Letters patent abovementioned, yet it has raiſed the Jealouſy of ſome, and Envy of others, of the moſt knowing and conſiderable Trading Nations in *Europe*.

But, to our and the Nations great Surpriſe, and ineſtimable Loſs, while we were uſing all ordinary means, and big with the hopes of riveting that Settlement upon a laſting Foundation, ſuch was the further continued Chain of unexpected Obſtructions and moſt unaccountable Mal-treatments that we met with, by Proclamations of a very ſtrange Nature, and otherwiſe, that the repeated Misfortunes following thereupon, put us under an indiſpenſible Neceſſity of humbly petitioning His Majeſty for allowing the Parliament to meet at the day appointed in *November* laſt; in full confidence and Expectation of having the moſt natural and cordial Aſſiſtance from thoſe who firſt eſtabliſhed our Company and promiſed it Protection; eſpecially ſince all our other Applications have hitherto proved ineffectual: But a meeting of the Eſtates in Parliament at that time not quadrating (it would ſeem) with His Majeſty's other Affairs, a very conſiderable Body of the Nobility, Gentry, and Burgeſſes of this Kingdom, thought fit, in a moſt dutiful and humble manner, by their late Addreſs, to repreſent to His Majeſty, how deeply they were affected with the Nations concern in our Company's repeated Misfortunes, and therefore humbly Petitioned for the ſitting of this Parliament as ſoon as conveniently might be. And the King having been moſt graciouſly pleaſed to order the Meeting of

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the Right Honourable Estates now in Parliament, We think our selves in all duty bound to give His Grace His Majesty's High Commissioner and the Right Honourable the Estates, a short and naked Narrative of the several Obstructions, and Misfortunes that we have been all along forc'd to grapple with in the prosecution of our Company's Designs, to the end that the great Council of the Nation, having a perfect View and full Knowledge of these Difficulties which we now Labour under, may be the better able to to judge how to apply a Remedy.

The first attempt for strengthning our Company's Interest and Stock was at *London*, where a Subscription of 300000 *Sterl.* was procured in Nine days time, without so much as a publick Advertisement, and many knowing Merchants were so far convinc'd of the many Advantages that might probably arise from such a Constitution, that they signified their willingness to be concerned for Triple the Sum, if allowed: But not only did the Parliament of *England* by their Address to His Majesty of the 13th of *December* 1695. and otherways, render that Subscription ineffectual, but the House of Commons did also appoint a Committee, *to examine what Methods were taken for obtaining the Act of Parliament, by which our said Company is established, who were the Promoters and Advisers thereof*; and did afterwards impeach the Nominees in the said Act of Parliament; notwithstanding the absolute Independency of this Kingdom:

Yet after all this Discouragement, we went on with our Subscriptions at home, and made our next Effort for strengthning thereof beyond Sea, both

both in *Holland* and *Hamburgh*: In the first of which places many eminent Merchants declared their positive inclinations to be very considerably interested with us, and gave some signal Proofs thereof, till they were made to understand by Threatnings and other Insinuations, that a Higher Power would make them at least very uneasy, if they persisted any further in their Resolutions of being concerned with our Company.

And at *Hamburgh*, where we had the most promising Hopes of foreign Assistance, the *Commercii* or Merchant-Company, entred into Contract with our Company's Deputees, to joyn at least 200000 *l. Sterl.* to our Company's Stock; but to our great Astonishment His Majesty of *Great Brittains* Ministers there, did, under pretence of special Warrant from the King, put a full stop thereto, by giving in *A Memorial to the Burgo-Masters & Gentlemen-Councellours of that City wholly disowning the Authority of the Acts of Parliament, and Letters Patent above-mention'd, and intimating that His Majesty would regard their entring into Treaties with our Company as an Affront to His Royal Authority, and that he would not fail to resent it, as having neither Credential Letters, nor being any otherways Authoriz'd by His Majesty.*

Upon notice whereof, we did in all humble Duty Address His Majesty in *June* 1697, for Redress of that open and bold Encroachment, upon not only our, but also the Nations Rights, in its most fundamental Constitution, by endeavouring to subvert the Independency of its Parliamentary Laws, expresly contrary to the Law of Nations: All which His Majesty by His Royal Letter from *Flanders* in *July* 1697, *Promised to take into Consideration, as soon as he would return into* England, *& that in*

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the mean time, His Majesty would give Orders to His Ministers at Hamburgh, *not to obstruct our Company in the prosecution of its Trade with the Inhabitants of that City.*

In the full Confidence of His Majesty's Royal Promise, we thought our selves secure, and took our Measures accordingly, till to our further surprize, we found by several Instances, that His Majesty's said Ministers were as wickedly bent against us as ever, and still denying that they had got any such Orders from His Majesty: whereupon the Directors of our Company, did, by their Letter of the 28 of *September* 1697, expostulate in the first place, with both the then Secretaries of State, about that further Dis-appointment, but having still no Redress therein, we did in most humble and dutiful Manner, by our second Address of the 22*d.* day of *December* 1697. lay the whole Matter again before His Majesty; And did likewise, at the same time, not only humbly Represent the Premisses to His Majesty's most honourable Privy-Council, together with the train of ill Consequences that must necessarly attend such Treatment, if not prevented by an early Redress; but wrote also separatly to both the Secretaries of State, and such other Noble Persons of the Government, as happen'd to be then at *London*, To use their Joint-Interest, for procuring Justice, in a Matter of such Universal Concern to the Honour, Interest, and Independency of the whole Kingdom.

All the Answer we obtain'd, was by a Letter of the 17*th.* of *January* 1698, from both the Secretaries of State: *That the King said, He had already given Orders to His Resident at* Hamburgh *in that Matter, conform to His Royal Letter from* Flanders, *in* July 1697, *which was then communicated to the Company.*

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By which Answer, together with what repeated Advices we had at the same time from *Hamburgh*, that the *English* Ministers there, had still positively disowned their having got any such Orders, we were put out of all Hopes of having any Redress, until we should have an Oppertunity of laying the whole Matter before a Meeting of the Estates of Parliament.

But in the mean time we proceeded, with all the Strength we had (tho' extremely weakned by the Treatment above-narrated) to make the best Preparations we could (considering the Scarcity of these Years) for fitting out an Equipage of Ships, Men, Provisions, and other Necessaries, for settling a Plantation in *America*, in the Terms of the Acts of Parliament, and Letters Patent above-mention'd: And its evident by the very Constitutions of the Colony, that they were calculated more for the general Advantage of the Nation and Posterity, than for the particular and immediat Benefit of the Adventurers.

And the Parliament happening to meet the very next Day after our Ships had sail'd, we did, by our Humble Petition of the 22*d.* of *July* 1698, Represent to his Grace, His Majesties then High Commissioner, and the Right Honourable Estates then assembled in Parliament, the Treatment which our Company met with at *London* and *Hamburgh* as aforesaid, the great Prejudices which we had sustain'd thereby, and the many further Inconveniencies and evil Consequences that must necessarly have followed thereupon, if, upon any Account whatsoever, the Parliament should happen to neglect the taking immediat Cognizance of such Usage.

And the Parliament having thereupon, by their Unanimous Addreſs of the *5th.* of *Auguſt* 1698, to His Majeſty, thought fit to manifeſt *their own, and the whole Nations Concern in that Matter, earneſtly entreating, and moſt aſſuredly expecting, That His Majeſty would, in His Royal Wiſdom, take ſuch Meaſures, as might effectually vindicat the Undoubted Rights and Priviledges of the ſaid Company, and ſupport the Credit and Intereſt thereof*; And the Parliament likewiſe, by the ſame Addreſs, *recommending the Concerns of the ſaid Company to ſome ſpecial Marks of His Majeſties Royal Favour, as that Branch of the Trade of this Kingdom, in which they, and the Nation they repreſented, had a more peculiar Intereſt*; The Court of Directors of our Company were thereby encourag'd to renew their Application to His Majeſty, with relation to the Memorial given in by His Miniſters to the Senate of *Hamburgh*, (the ſame being ſpecially mention'd in the Parliaments Addreſs:) And in Conſideration of the Damnages ſuſtain'd by the Company, through Means of that Memorial, the Directors humbly Petition'd, That His Majeſty would be pleaſed, for their Encouragement at that time, as a Gracious Mark of His Royal Favour, to beſtow upon them the two ſmalleſt of the Frigots, then (and to this Hour) lying uſeleſs in *Bruntiſland* Harbour.

But our Company having no manner of Anſwer to either of theſe, and being aſſured by ſeveral Letters from *Hamburgh*, That both the *Engliſh* Miniſters there, had poſitively denyed their having received any ſuch Orders, as were long before promiſed, and declared to have been given, with relation to that Memorial, the Court of Directors of our Company did, by their Letter of the

the 29th. of *November* 1698, tranſmit Copies of the ſaid Letters to the Viſcount of *Seafield*, then ſole Secretary of State, and entreated his Lordſhip, to procure ſome ſpeedy and effectual Anſwer from His Majeſty to the Contents of both that Letter, and their former Petition.

The Secretary, by his Letter of the 13th. of *December* 1698, returned for Anſwer, *That he would take the firſt convenient Opportunity he could have, to repreſent that Matter to the King, but that he could not expect to have it for ſome time, becauſe His Majeſty was then very much imployed in the Affairs of His* Engliſh *Parliament.*

We thereupon waited a full Month, in expectation of ſome further Anſwer, but getting none, our Court of Directors did, by a Letter of the 13th. of *January* 1699, put the Secretary again in mind of our ſaid Petition of the preceeding *Auguſt*, and Letter of the 29th. of *November.*

The Secretary, by his Letter of the 7th. of *February* 1699, ſignified, *That he had preſented our Company's Petition to His Majeſty, and was commanded to let us know, that there being Accounts, that the Ships belonging to the Company were arriv'd upon the Coaſt of* America, *and the particular Deſign not being communicated to His Majeſty, He therefore delayed to give any Anſwer, until he ſhould receive certain Information of their Settlement.*

Tho' we could not but be ſurpriz'd, to find all our former Addreſſes and Petitions, about Matters of ſuch weighty Concern, as are above-narrated, Anſwered, after ſo long Delay, only with a ſeeming Charge, for not having communicated to His Majeſty a thing that was never in the leaſt demanded of us, by either the King, Parliament,

Privy Council, or Ministers of State, we being limited to settle in the Terms of the Acts of Parliament, as we should be Answerable: Yet upon the very first Advice we had of our Colony's Settlement in *Caledonia*, we, by our Letters of the 31*st*. of *March*, and 1*st*. of *April* 1699, gave a very full and dutiful Account thereof to His Majesty, and to both the Secretaries of State, together with an Account of the *French* Designs thereabouts, and of what Import our said Settlement (if duly protected) might prove to the Interest and Security of all His Majesties Dominions, and referred the same, together with the Contents of our former Petitions, to His Majesties Royal Consideration.

About this time it was, That His Majesty was pleased to call the President of the Session, and the Advocat to Court, to the end (as we understood) that they, jointly with both the Secretaries of State, might, in a Conference with several of the *English* Ministers, satisfy His Majesty, as to the Legality of our Company's Settlement: Which (by all that ever we could learn) was then (and otherways since that time) made clear beyond all manner of Dispute.

But while, in the mean time, we were pawning even our own particular Credits, for sending the needful Supplies of Ships, Men, Provisions, Arms, Ammunition, and other Necessaries, for securing so valuable a Settlement to this Nation, we were astonished to have Advice, That, by Orders from *England*, in *January* 1699, Proclamations had been emitted, in the Months of *April* and *May*, over all His Majesties Plantations and Territories in *America*, strictly Intercommuning

ning our Colony, under very ſevere Penalties to be inflicted on the Contraveeners of theſe Proclamations, *in regard that His Majeſty* (as theſe Proclamations narrate) *was unacquainted with the Intentions and Deſigns of the* Scots *ſettling at* Darien.

As we humbly conſidered theſe Proclamations to be ſuch, as were never before publiſhed in thoſe parts, againſt any other People upon Earth, and of ſo *Barbarous* a Nature, as we thought, no Good Chriſtians would put in Execution, even againſt Infidels; So finding our ſelves unqueſtionably warranted by all Laws Humane and Divine, we perſiſted in our Endeavours for maintaining that Settlement, as hoping, that, through means thereof, this Nation might, in time, have an Opportunity of raiſing it ſelf above the open Contempt, Reproach and Inſults of its unkind Neighbours, and of propagating the Goſpel amongſt the Ignorant good Natur'd *Indians* of thoſe parts.

But before our Recruits could poſſibly arrive at *Caledonia*, our Colony got certain Accounts of theſe Proclamations; and finding at the ſame time, the ſad Effects thereof, by being denied any the leaſt Help, either for Goods or Money, at *Jamaica*, from whence they had formerly Supplies; And that in the Proclamation iſſued by Sir *William Beſton*, Governour of that Iſland, he had poſitively declared, *That by their Settlement in* Darien, *they had actually broken the Peace entred into with His Majeſties Allyes* (which they believed he durſt not venture to have done without a ſufficient Warrant) And finding themſelves thereby to be of conſequence declared Pirates, without any previous Summons or Hearing, contrary to the

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Cuſtoms and common Uſage of all Nations, even in the caſe of real Piracy, and founding a Belief, at the ſame time, on the Trearment which they knew our Company had formerly met with in *Europe*, without being Redreſs'd therein, that we were not in a Condition either to ſupply or protect them, they unhappily took the Alarm, under ſuch a General Conſternation, as deveſted them not only of all manner of patience to ſtruggle with any Inconveniencies they lay under at the time, but alſo of all manner of prudence, in taking any reaſonable Meaſures either for their own Security, or for our Company's intereſt. In the midſt of which Confuſion thoſe of them who had any bad Deſigns (as we could not well ſuppoſe ſuch a Number to be free of ſome) made uſe of theſe Proclamations as handles, by which to perpetrate their own ſeveral ends, and eaſily perſwaded all the reſt to leave the Settlement: Which they unadviſedly did the 20th of *June* laſt; And by that means not only have the Ships, Men & Goods, which were there at that time, been expoſed to the Arbitrary will of thoſe to whom the Execution of thoſe Proclamations was given in Charge, but even all our ſubſequent Meaſures brought into inevitable diſorder.

Upon Information of all which, we did, by our humble Petition to His Majeſty of the 19th of *October* 1699, in all humility and earneſtneſs, beg, *That His Majeſty would in His Fatherly care for the good of our Company in particular, and of the Nation in General, be graciouſly pleaſed to give ſpecial Teſtimonies of his Majeſtys Royal Protection to our Company at that Juncture, and particularly to take off the Force and effect of thoſe Proclamations which have been ſo prejudicial to us, and to ſignify his Royal pleaſure to*

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the Governours of his Plantations in America, *that our Colony might be supplied in the common and ordinary way of Commerce as those of other Nations are; And that in the mean time His Majesty would be graciously pleased to allow the Estates of Parliament to meet at the day appointed in* November *last, or as soon as conveniently could be, to the end that their Advice and Assistance might be had in such a weighty and General Concern.*

We likewise, by our humble Address to His Majesty's most Honourable Privy Council of the 20th of *October* 1699. Represented what we thought in duty and prudence necessary, with relation to the Contents of our said Petition to his Majesty, *Humbly referring the whole to their Lordships most serious consideration, and praying that they would be pleased to do us all the good Offices with His Majesty that they'd think most expedient for supporting our Company and Colonys Interest; and to give him an account of our Company's hard Circumstances, and how much the Honour and Interest of the Nation stood concern'd therein.*

His Majesty was graciously pleased, by His Royal Letter to us of the 2*d.* of *November* 1699, to declare that, *He did very much regret the Loss which the Kingdom & the Company had lately sustain'd, That he would upon all occasions protect and encourage the Trade of the Nation, That he would take care that His Subjects of this Kingdom should have the same freedom of Trade and Commerce with his* English *Plantations that ever they had formerly, and that he would order the Parliament to meet, when he'd judge that the Good of the Nation would require it.*

But, in some short time thereafter, while we were solacing ourselves with the Hopes of having His Majesty's protection, not only as a Company established, by His Royal Authority, with the Advice and Consent of Parliament, but also as Subjects, making

ing all the Preparations we could, to send the needful Supplies and Advices to those who were last sent for Repossessing the same Settlement: We were further astonished to have Advices that, by second Orders from *England*, another Fleece of Proclamations had been emitted over all the *English* Plantations in *America*, particularly on the 5th. of *September* last in *Barbados*, &c. And that in complyance with the intent of these Proclamations, Our People that went along with the *Rising-Sun*, were in *November* last, positively denyed Wood and Water at *Monserat*, a Priviledge never before denyed to any other Nation: And by a Letter of the 29th. of *January* last from the Commander of another of our Company's Ships, we are assured that they were positively denyed Anchoring at St. *Christophers* by the Governour Colonel *Norton*, who out of his own Mouth declared to the Commander of our said Ship, That he did it by new Orders which he had received about a Month before; altho at the same time two *Dutch* Ships were then Watering there; which we have since confirmed to us by Letters from Mr. *Daniel Mackay*, one of the Councellours of our Colony, dated at *Port-Royal* in *Jamaica* the 13th. *February* last: By which Letters, he informs us likewise, That when he waited upon the Governour of that Island, concerning our Company's Ship the St. *Andrew* lying in that Harbour, The Governour declared to him, That tho' the said Ship were fitted for going to Sea, he would not suffer her to go, without a special Order from *England* for that Effect.

We likewise humbly beg leave to inform Your Grace, and Right Honourable Estates, That amongst

mongſt our Company's many other Loſſes and Miſfortunes, a Ship called the *Dolphin*, ladned with a valuable Cargo, belonging to our Company, ſtruck Unfortunatly on a Rock, by which ſhe ſprung a Lake, and being forc'd to run aſhoar under the Walls of *Carthagena*, to eſcape Shipwrack, the ſaid Ship and Goods were by the *Spaniards* (His Majeſty's Allies) violently ſeized and diſpoſed of as Prize, and the Men alſo to the Number of 30 and a Boy, detain'd, and made cloſe Priſoners, not only contrary to the Law of Nations, (we being then in profound Peace with them) but alſo contrary to the expreſs Terms of the 10. and 11. Articles of the Treaty concluded at *Madrid* the $\frac{8}{18}$ Day of *July* 1670, between the Crowns of *Great Brittain* and *Spain*.

By our dutiful Addreſs of the 4*th*. of *December* 1699, we humbly Petition'd His Majeſty, *That He would be graciouſly pleaſed to take theſe Proceedings of the* Spaniards *into His Royal Conſideration, ſo as that ſpeedy and effectual Meaſures might be taken for the Redreſs of theſe Damages, and the Freedom of theſe diſtreſſed Priſoners.*

In Anſwer to which, His Majeſty was graciouſly pleaſed, by His Royal Letter of the 10*th*. of *January* laſt, to ſignify, *That He was reſolved in the Terms of the Treaties to demand from the King of* Spain, *that theſe Priſoners ſhould be ſet at Liberty.*

Yet ſome of the moſt conſiderable of theſe Priſoners being tranſported above half a Year ago to Old *Spain*; We have frequent Advices from them by Letters, dated in *Cadiz*-Priſon, That they and all the Crew have been moſt Barbarouſly uſed, and that they themſelves are ſtill kept cloſe Priſoners, under very ſevere Treatment, Copies

of which Letters we have ſome Months ago tranſmitted to the Secretaries of State.

By all which, it cannot but evidently appear to Your Grace and Right Honourable Eſtates, that tho' we have all along us'd our beſt Endeavours to wreſtle through theſe almoſt unſurmountable Difficulties, and exerted even our utmoſt efforts for retrieving our Loſſes, as much as poſſible, by endeavouring to repoſſeſs and maintain ſo valuable a Settlement; And tho' we have certain Advice of its being Repoſſeſs'd by our People, and that we have taken all imaginable Meaſures for their preſent Supply: Yet we have too juſt ground to be fully perſwaded, That unleſs the King and High Court of Parliament, do ſpeedily Support, Protect, and Aſſiſt us, in the Proſecution of our Company's lawful Deſigns, that all our Paſt, Preſent, and Future Endeavours muſt, to the Nations indelible Reproach and Diſhonour; as well as to its and the Company's unſpeakable and irreparable Loſs, prove unavoidably abortive.

May it therefore pleaſe Your Grace and Right Honourable Eſtates, to take the ſeveral Matters of Fact above-mentioned, into your moſt ſerious Conſideration; To Vindicat, Support, and Protect us in the Enjoyment of our lawful Priviledges, both as a Company, and as Subjects of this free and independent Kingdom, to take ſuch Meaſures, as You (in Your profound Wiſdom) may judge moſt Effectual, for repairing the many Damages we have already

already sustain'd, and for assisting us in the further Prosecution of our Company's lawful Designs; but more especially, for the mantainance of our just Right and Title to the Settlement of CALEDONIA, *and the Enjoyment of such Advantages as (if duly Protected) may probably arise thereby.*

Sign'd at *Edinburgh* the 16*th.* Day of *May*, 1700. In Name, Presence, and by Warrant of the said *Council-General* by,

MARISCHALL *I.P.C.G.*